

REMARKS/ARGUMENTS

The foregoing amendments in the specification and claims are of formal nature, and do not add new matter.

Applicants note and appreciate the withdrawal of the earlier objections and rejections under 35 U.S.C. §101, §112, first paragraph, and second paragraph.

Prior to the present amendment, Claims 33-35, 38-40 and 44-54 were pending in this application. With this amendment, Claims 48-54 have been canceled without prejudice..

Claims 33-35, 38-40 and 44-47 are pending after entry of the instant amendment.

Applicants note that the Office Action Summary indicates that Claims 31-35, 38-40 and 45-47 are allowed. Applicants further note that although the instant Office Action states that Claims 31-35, 38-40 and 44-54 are under consideration, the Examiner has not indicated a reason for rejecting Claim 44 in the instant Office Action. Indeed, the Examiner stated on page 4 of the instant Office Action that "Claims 31-35, 38-40, and 44-47 appear allowable." Accordingly, Applicants assume that Claim 44 is allowable and an indication of such is respectfully requested.

Applicants expressly reserve the right to pursue any canceled matter in subsequent continuation, divisional or continuation-in-part applications.

Claim Objections

The Examiner asserts that the phrase "consisting of an at least 20 nucleotide fragment" renders the claim grammatically unclear. Without acquiescing to the Examiner's position in the current objection, and without prejudice to further prosecution of the subject-matter in one or more continuation or divisional applications, Applicants have canceled Claim 48.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the present objection.

Claim Rejections - 35 U.S.C. §102

Claims 48-54 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by EST Sequence Database, Accession No. AA584408, September 26, 1997.

Without acquiescing to the Examiner's position in the current rejection, and without prejudice to further prosecution of the subject-matter in one or more continuation or divisional applications, Applicants respectfully submit that the cancellation of Claims 48-54 renders the rejection of these claims moot.

Accordingly, Applicants respectfully request to reconsider and withdraw the present rejection.

CONCLUSION

In conclusion, the present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited. Should there be any further issues outstanding, the Examiner is invited to contact the undersigned attorney at the telephone number shown below.

Please charge any additional fees, including fees for additional extension of time, or credit overpayment to Deposit Account No. **08-1641** (referencing Attorney's Docket No. **39780-2830 P1C61**). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: April 6, 2005

By:


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